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EXAMINER

DENNISON, JERRY B

| ART UNIT | PAPER NUMBER |
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2143

DATE MAILED: 03/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/717,415

Applicant(s)

KENMOCHI, AKIHISA

Examiner

J. Bret Dennison

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2000.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-13 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 21 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Action is in response to Application Number 09/717415 received on 21 November 2000.
2. Claims 1-13 are presented for examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. (U.S. Patent Number 6,415,289) in view of Hasegawa et al. (U.S. Patent Number 6,370,587).

3. Regarding claim 1, Williams discloses a network contents managing system on a network including a personal computer, portable terminals, storage apparatuses, set top boxes, and the like, the system comprising:

a contents database retaining locations and attributes of contents and data stored in different apparatuses connected to the network (Williams, col. 6, lines 10-15, Williams teaches a database server storing information about contents stored on storage devices);

a retrieval request detection unit for detecting a retrieval request to the contents database and outputting a retrieval request information (Williams, col. 6, lines 37-50, and **Fig. 11**, Williams teaches an API 1130 detecting a retrieval request from the client);

a contents monitoring unit for outputting a contents modification information when a location and an attribute of contents and data is modified in any of the apparatuses connected to the network such as recording, moving, and deletion of contents and data (Williams, col. 6, lines 20-30, and lines 35-40, Williams teaches the database server maintaining a database of identifying information concerning other information stored on the network, so when a client requests index information, it will be up to date);

a database retrieval unit for retrieving the contents database upon reception of the retrieval request information and outputting a retrieval result information (Williams,

col. 6, lines 55-60, Williams teaches the database server returning the requested information); and

a retrieval result output unit for outputting the retrieval result information received from the database retrieval unit, to the apparatus which has made the retrieval request (Williams, col. 7, lines 20-35, Williams teaches the database server issuing a command to deliver the requested information).

a database managing unit for performing registration and modification in the contents database upon reception of the connection state information and the contents modification information (col. 6, lines 10-15).

Williams also discloses a network server being a general purpose computing device which processes and routes network commands to their intended devices (col. 5, lines 64-67), and that there is a large number of both clients and servers connected to the network and each device is conventionally assigned a unique identifier or an address (col. 6, lines 15-20), which means that the devices are monitored for connection to the network.

However, Williams does not explicitly state having a network monitoring unit for monitoring a change of an apparatus connection state to the network and, upon occurrence of a change of the connection state, outputting a new apparatus connection state as a connection state information;

In an analogous art of networking, Hasegawa discloses network connection devices being monitored for connection states, and informing other network devices of the updating of the connection states (col. 14, lines 50-67).

Therefore, it would have been obvious to one in the ordinary skill in the art at the time the invention was made to combine the system of Williams with Hasegawa to improve the storage management system by monitoring the storage devices of the system for connections as well as to enable network nodes to receive messages (col. 1, line 65-col.2, line1). Thus, Williams provides motivation to combine by stating requirement to poll the storage devices to retrieve information (col. 4, lines 35-45).

4. Regarding claim 2, Williams and Hasegawa teach all of the limitations substantially as claimed, as described in claim 1, including wherein the contents monitoring unit also outputs as the contents modification information a modification of a location and an attribute of the contents and data caused by mounting/removal of a removable storage medium (Williams, col. 6, lines 10-43, Williams teaches the database server maintaining a database having information about the information stored on the storage devices, and outputting an index of this information at a clients request).

Claims 3-4 rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of Hasegawa as applied to claims 1-2 above, and further in view of Takahashi et al. (U.S. Publication Number 2002/0035620 A1).

5. Regarding claims 3 and 4, Williams and Hasegawa teach all of the limitations substantially as claimed, as described in claims 1 and 2. Hasegawa also teaches an

update notification section monitoring connections of devices (Hasegawa, col. 14, lines 50-67).

However Williams and Hasegawa do not explicitly state wherein the network monitoring unit detects a power on/off of the apparatuses connected to the network and retains in the contents database an information of the power on/off of the apparatuses connected to the network as well.

In an analogous art to networking, Takahashi discloses a system of controlling network devices including detection of power on/off of the connected devices (pages 22-23, paragraphs 312 -316).

Therefore it would have been obvious to one in the ordinary skill in the art at the time the invention was made to combine Williams and Hasegawa with Takahashi to provide control over power management of multimedia devices, supplying electrical power to a required multimedia device at only a required time, so that power consumption can be suppressed (Takahashi, page 23, paragraph 0323).

6. Regarding claims 5-8, Williams, Hasegawa, and Takahashi teach all of the limitations substantially as claimed, as described in claims 1-4, including the system further comprising a power monitoring unit for monitoring a power operation of an apparatus connected to the network and a remote start unit for activating at least one of the contents database, the retrieval request detection unit, the network monitoring unit, the database retrieval unit, the database managing unit, and the retrieval result output unit at another apparatus connected to the network (Takahashi, page 23, paragraphs

0318-0323, Takahashi teaches the system determining Power on/off and updating the database). See 5 for motivation.

7. Regarding claims 9-12, Williams, Hasegawa, and Takahashi teach all of the limitations substantially as claimed, as described in claims 5-8, including comprising a power operation unit for operating a power of another apparatus connected to the network (Takahashi, page 23, paragraphs 0318-0323).

8. Regarding claim 13, Examiner takes Official Notice (see MPEP § 2144.03) that "database administration" in a computer networking environment was well known in the art at the time the invention was made. The Applicant is entitled to traverse any/all official notice taken in this action according to MPEP § 2144.03, namely, "if applicant traverses such an assertion, the examiner should cite a reference in support of his or her position". However, MPEP § 2144.03 further states "See also *In re Boon*, 439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of judicial notice must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the judicial notice)." Specifically, *In re Boon*, 169 USPQ 231, 234 states "as we held in *Ahlert*, an applicant must be given the opportunity to challenge either the correctness of the fact asserted or the notoriety or reputation of the reference cited in support of the assertion. We did not mean to imply by this statement that a bald challenge, with nothing more, would be all that was needed". Further note that 37 CFR § 1.671(c)(3) states "Judicial notice means official notice". Thus, a

traversal by the Applicant that is merely "a bald challenge, with nothing more" will be given very little weight.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (703)305-8756. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703)308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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